



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,296	07/26/2001	Shun-Ping Wang	WANG3034/EM/7046	4976

23364 7590 06/10/2004
BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314

EXAMINER

KNOLL, CLIFFORD H

ART UNIT	PAPER NUMBER
----------	--------------

2112

DATE MAILED: 06/10/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary

Application No.

09/912,296

Applicant(s)

WANG, SHUN-PING

Examiner

Clifford H Knoll

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to communication filed 3/29/04. Currently claims 1-8 are pending. The substitute specification has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Souisse (US 2002/0102987).

Regarding claim 1, Souisse discloses data transmission software in a memory of each local communication device and an interface for respectively establishing a connection between the local devices through a signal line (e.g., paragraphs 51 “message split controller 910 coupled to the CPU/ASIC and used to fragment a message”; 38) and a data transmission interface where in transmitting the data the

software divides the data into units, said other device transmits the units through a wireless communication (e.g., paragraph 38, "sent via multiple transmitting sources"), in receiving data the software receives the units, which are sent from the remote other device and sent to one of said devices through the said signal line and said data transmission software recovers original data (e.g., paragraph 38, "to generate the original message", 49).

Regarding claim 2, Souisse also discloses input instruction provided by said data transmission software by keying on one device for setting one device as a master and said other device as a slave (e.g., paragraph 51, "used to fragment a message, intended for transmission, according to a predefined rule"), said data transmission software divides data into a plurality of units each having a predetermined size individually transmits said units to said slave through said signal line and utilize all channels belonging to said master and said slave for transmitting said units through said wireless communication (e.g., paragraph 58).

Regarding claim 4, Souisse also discloses a unique ID associated with one device is assigned to each unit said master sends each unit to said corresponding slave based on said ID, sent to the master for regrouping and the data transmission software in said master assembles the units to recover the original data (e.g., paragraph 50).

Regarding claim 5, Souisse also discloses inputting instructions by keying on one device for setting one device as a master and said other device as a slave (e.g., paragraph 45), determining whether a division of data is necessary (e.g., paragraph 46), if the result is positive dividing data into a plurality of units and assigning a unique

identification associated with one device to each unit and transmitting said units to said device through said signal line and transmitting said units by said device (e.g., paragraph 47).

Regarding claim 6, Souisse also discloses if step (b) is negative, the master transmits data (e.g., paragraph 45, "may be sent on a circuit switch network while data files....")

Regarding claim 7, Souisse also discloses receiving associated units as determined by said data transmission software, transmitting the units to said device set as said unit through said signal line and regrouping said units by said data transmission software in said master to recover said original record of data (e.g., paragraph 39).

Regarding claim 8, Souisse also discloses the device is a mobile phone (e.g., paragraph 42), and data transmitted is divided into a plurality of units each having a predetermined size which is no more than a maximum size defined by an existing mobile phone communication protocol (e.g., paragraphs 41 ("math the data transfer rate of each of the available channels"), 44-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2112

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Souisse in view of Green (US 2003/0099301).

Regarding claim 3, Souisse also discloses a network controller (e.g., paragraph 43], but fails to explicitly mention a particular transmission protocol for communication; however, this detail is disclosed by Green. Green discloses the common use of USB for communication. It would have been obvious to combine Green with Souisse because Green teaches the USB as a universal means to distribute data in a network, particularly in system that uses wireless connections (e.g., paragraph 3), such as the system of Souisse. Therefore, it would have been obvious to one of ordinary skill in the art to combine Green with Souisse to obtain the claimed invention.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Amendatory language has overcome previous rejection. Claims are newly rejected in the present Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford H Knoll whose telephone number is 703-305-8656. The examiner can normally be reached on M-F 0630-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2112

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

chk



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100